

Police Record Checks Reform Act, 2015

S.O. 2015, CHAPTER 30

Consolidation Period: From March 1, 2021 to the [e-Laws currency date](#).

Last amendment: 2020, c. 25, Sched. 1, s. 30.

Legislative History: 2017, c. 14, Sched. 4, s. 29; 2018, c. 3, Sched. 5, s. 48 (see: 2019, c. 1, Sched. 3, s. 5); 2019, c. 1, Sched. 4, s. 46; 2020, c. 25, Sched. 1, s. 30.

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INTERPRETATION AND APPLICATION

Interpretation

1 (1) In this Act,

“authorized body” means a body authorized for the purposes of section 6.3 of the *Criminal Records Act* (Canada); (“organisme autorisé”)

“child” means a person under the age of 18 years; (“enfant”)

“criminal offence” means, subject to subsection (3), an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada), the *Cannabis Act* (Canada) or any other law of Canada; (“infraction criminelle”)

“Minister” means the Minister of Community Safety and Correctional Services or such other member of the Executive Council as may be assigned the administration of this Act under the *Executive Council Act*; (“ministre”)

“non-conviction information” means, subject to subsection (4), information concerning the fact that an individual was charged with a criminal offence if the charge,

- (a) was dismissed, withdrawn or stayed, or
- (b) resulted in a stay of proceedings or an acquittal; (“données de non-condamnation”)

“police record check” means a search described in subsection 2 (1); (“vérification de dossier de police”)

“police record check provider” means,

- (a) a chief of police,
- (b) a member of a police service designated by a chief of police for the purposes of this Act,
- (c) an entity permitted by the Royal Canadian Mounted Police to access the Canadian Police Information Centre databases,
- (d) an authorized body, or
- (e) a third party entity; (“fournisseur de vérifications de dossiers de police”)

“prescribed” means prescribed by the regulations under this Act; (“prescrit”)

“third party entity” means an entity that has an agreement with a police service to provide services related to conducting a police record check, such as intake of requests, performance of searches or disclosure of results; (“entité tierce”)

“vulnerable person” means a person who, because of his or her age, a disability or other circumstances, whether temporary or permanent,

- (a) is in a position of dependency on others, or
- (b) is otherwise at a greater risk than the general population of being harmed by a person in a position of trust or authority towards them. (“personne vulnérable”) 2015, c. 30, s. 1 (1); 2019, c. 1, Sched. 4, s. 46 (1-3).

Same, expressions related to police services

(2) Expressions used in this Act relating to police services have the same meaning as in the *Community Safety and Policing Act, 2019*. 2019, c. 1, Sched. 4, s. 46 (4).

Offence under *Contraventions Act* (Canada)

(3) An offence prosecuted under the *Contraventions Act* (Canada) is not a criminal offence for the purposes of this Act unless a conviction for the contravention is entered after a trial on an indictment. 2015, c. 30, s. 1 (3).

Exception, non-conviction information

(4) Non-conviction information does not include information that is part of a record that may be kept under section 717.2 or 717.3 of the *Criminal Code* (Canada). 2015, c. 30, s. 1 (4).

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 48 (1-3) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 46 (1-4) - 26/03/2019

Application, searches of Canadian Police Information Centre databases, etc.

2 (1) This Act applies to persons who require a search to be conducted of the Canadian Police Information Centre databases or another police database maintained by a police service in Canada to determine whether the databases contain entries relating to an individual in order to screen the individual, including without limitation,

- (a) for the purposes of determining his or her suitability for employment, volunteer work, a licence, an office, membership in any body or to provide or receive goods or services; or
- (b) for the purposes of assessing his or her application to an educational institution or program. 2015, c. 30, s. 2 (1).

Exceptions

(2) This Act does not apply in respect of the following:

1. A search required under the *Children’s Law Reform Act* in respect of an application for a parenting order respecting decision-making responsibility with respect to a child by a person who is not a parent of the child.
2. A search required for the purpose of the Office of the Children’s Lawyer representing a child or reporting to a court under section 112 of the *Courts of Justice Act*.
3. A check required under the *Change of Name Act* in respect of an application for a change of name.
4. A search requested by the sheriff under the *Juries Act*.
5. A search conducted in relation to the administration of the *Firearms Act* (Canada).

6. A search required for the purpose of carrying out the Attorney General's functions under the *Ministry of the Attorney General Act*.
7. A search required for the purpose of fulfilling the duties assigned to Crown Attorneys and provincial prosecutors under the *Crown Attorneys Act*.
8. A search requested by a children's aid society for the purpose of performing its functions under subsection 35 (1) of the *Child, Youth and Family Services Act, 2017*.
9. Any other searches that may be prescribed. 2015, c. 30, s. 2 (2); 2017, c. 14, Sched. 4, s. 29 (1); 2020, c. 25, Sched. 1, s. 30.

Provincial offences prosecutions

(3) For greater certainty, the functions referred to in paragraph 6 of subsection (2) include the prosecution of provincial offences. 2015, c. 30, s. 2 (3).

Records

(4) This Act applies in respect of records in the custody or under the control of a police service or in the custody or under the control of another agency responsible for providing policing in Canada. 2019, c. 1, Sched. 4, s. 46 (5).

Section Amendments with date in force (d/m/y)

2017, c. 14, Sched. 4, s. 29 (1) - 01/11/2018

2018, c. 3, Sched. 5, s. 48 (4) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 46 (5) - 26/03/2019

2020, c. 25, Sched. 1, s. 30 - 01/03/2021

Crown bound

3 Except as otherwise provided in this Act or the regulations, this Act binds the Crown.

Disclosure under other Acts

4 For greater certainty, nothing in this Act,

- (a) permits or requires the disclosure of information whose disclosure is prohibited under the *Criminal Code* (Canada), the *Criminal Records Act* (Canada), the *Youth Criminal Justice Act* (Canada), or any other law of Canada;
- (b) affects the ability to collect, use or disclose personal information under clause 42 (1) (f) or (g) of the *Freedom of Information and Protection of Privacy Act* or clause 32 (f) or (g) of the *Municipal Freedom of Information and Protection of Privacy Act*;
- (c) affects the ability to disclose personal information under the *Community Safety and Policing Act, 2019*;
- (d) affects an individual's right to access personal information about himself or herself under the *Freedom of Information and Protection of Privacy Act* or the *Municipal Freedom of Information and Protection of Privacy Act*; or
- (e) affects the power of a court or a tribunal to compel a witness to testify or compel the production of a document. 2015, c. 30, s. 4; 2019, c. 1, Sched. 4, s. 46 (6).

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 48 (5) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 46 (6) - 26/03/2019

MANNER OF REQUEST, MANNER OF RESPONSE

Manner of requesting police record check

5 A person to whom this Act applies shall not request a police record check in respect of an individual in any manner other than in accordance with this Act.

Manner of responding to request for police record check

6 A police record check provider responding to a request for a police record check from a person described in section 5 or from an individual who requests a police record check in respect of himself or herself shall respond to the request in accordance with this Act.

PROCEDURES GOVERNING POLICE RECORD CHECKS

Request for police record check

7 (1) An individual may request in writing that a police record check provider conduct a police record check in respect of the individual or that the provider cause such a check to be conducted.

Same, request by person or organization

(2) A person or organization may request in writing that a police record check provider conduct a police record check in respect of an individual or that the provider cause such a check to be conducted.

Prescribed requirements

(3) A person making a request under this section shall comply with any prescribed requirements.

Type of check

(4) A request shall specify the particular type of police record check being requested.

Fee

(5) A request shall be accompanied by any applicable fee.

Conducting police record check

Police service

8 (1) A chief of police or a member of a police service designated by a chief of police for the purposes of this Act shall conduct the following types of police record checks:

1. Criminal record check.
2. Criminal record and judicial matters check.
3. Vulnerable sector check. 2015, c. 30, s. 8 (1); 2019, c. 1, Sched. 4, s. 46 (7).

Others

(2) An authorized body, a third party entity or an entity permitted by the Royal Canadian Mounted Police to access the Canadian Police Information Centre databases may conduct any of the types of police record checks mentioned in subsection (1) if, under an agreement with a police service or under the laws of Canada, the body or entity is permitted to conduct the particular type of check. 2015, c. 30, s. 8 (2); 2019, c. 1, Sched. 4, s. 46 (7).

Consent of individual

(3) A police record check provider shall not conduct a police record check in respect of an individual unless the request contains the individual's written consent to the particular type of check. 2015, c. 30, s. 8 (3).

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 48 (6) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 46 (7) - 26/03/2019

Disclosure in accordance with Schedule

9 A police record check provider shall not disclose information in response to a request for a police record check unless the information is authorized to be disclosed in connection with the particular type of police record check in accordance with the Schedule.

Exceptional disclosure of non-conviction information, vulnerable sector check

10 (1) This section applies with respect to the disclosure of non-conviction information in response to a request for a vulnerable sector check in respect of an individual.

Criteria for exceptional disclosure

(2) Non-conviction information about the individual is not authorized for exceptional disclosure unless the information satisfies all of the following criteria:

1. The criminal charge to which the information relates is for an offence specified in the regulations made under subsection 22 (2) (c).
2. The alleged victim was a child or a vulnerable person.
3. After reviewing entries in respect of the individual, the police record check provider has reasonable grounds to believe that the individual has been engaged in a pattern of predation indicating that the individual presents a risk of harm to a child or a vulnerable person, having regard to the following:

- i. Whether the individual appears to have targeted a child or a vulnerable person.
- ii. Whether the individual's behaviour was repeated and was directed to more than one child or vulnerable person.
- iii. When the incident or behaviour occurred.
- iv. The number of incidents.
- v. The reason the incident or behaviour did not lead to a conviction.
- vi. Any other prescribed considerations.

Format of disclosure

(3) When disclosing a record containing non-conviction information authorized for exceptional disclosure, the police record check provider shall ensure that the record contains the definition of "non-conviction information" found in this Act and that the information is clearly identified as such.

Reconsideration

(4) If the individual submits a request for reconsideration in accordance with the regulations, the provider shall, within 30 days after receiving the reconsideration request, reconsider its determination in accordance with any requirements prescribed by the Minister.

Result of reconsideration

(5) Non-conviction information shall not be disclosed if, after a reconsideration, the provider determines the information does not meet the criteria listed in subsection (2).

Manner of disclosure, youth records

11 If this Act authorizes the disclosure of a finding of guilt under the *Youth Criminal Justice Act* (Canada) in respect of an individual, the information shall be disclosed in a separate record from any record containing other information disclosed in respect of the individual in the prescribed form, if any.

Disclosure of results

12 (1) A police record check provider shall disclose the results of a police record check to the individual who is the subject of the request and shall not disclose the results to any other person, subject to subsection (2).

Disclosure with consent

(2) If an individual provides written consent after receiving the results of a check about himself or herself under subsection (1), the police record check provider may provide a copy of the information to the person or organization who requested the check under subsection 7 (2) or to another person or organization the individual specifies.

Other requirements

(3) A police record check provider shall comply with any other requirements that may be prescribed respecting disclosure.

Restriction, use of information

13 A person or organization that receives information under subsection 12 (2) shall not use it or disclose it except for the purpose for which it was requested or as authorized by law.

Form of disclosure

14 The Minister may require the use of an approved form for any purpose under this Act.

ADDITIONAL REQUIREMENTS

Corrections

15 (1) Every police record check provider shall create and implement a process to respond to a request from an individual to correct information in respect of the individual if the individual believes there is an error or omission in the information.

Prescribed requirements

(2) The process shall comply with any requirements the Minister may prescribe.

Statistics

16 Every police record check provider shall prepare and maintain the prescribed statistical information in connection with police record check requests and shall provide that information to the Minister on request.

Agreements

17 A police service board or the Commissioner of the Ontario Provincial Police shall ensure that any agreement the board or Commissioner enters into with a third party entity or authorized body in respect of police record checks includes provisions

respecting the entity's or body's compliance with this Act and the regulations. 2015, c. 30, s. 17; 2019, c. 1, Sched. 4, s. 46 (8).

Section Amendments with date in force (d/m/y)

2018, c. 3, Sched. 5, s. 48 (7) - no effect - see 2019, c. 1, Sched. 3, s. 5 - 26/03/2019

2019, c. 1, Sched. 4, s. 46 (8) - 26/03/2019

Requirements respecting third party entities

18 A third party entity shall comply with any prescribed requirements in connection with police record checks.

ENFORCEMENT

Offence

19 (1) A person or organization that wilfully contravenes section 5, 8, 9, 10, 11, 12 or 13 is guilty of an offence.

Penalty

(2) A person convicted of an offence is liable to a fine of not more than \$5,000.

No prosecution without consent

(3) A prosecution shall not be commenced under this section without the Minister's consent.

Proof of consent

(4) The production of a document that appears to show that the Minister has consented to a prosecution under this section is admissible as evidence of the Minister's consent.

ADMINISTRATIVE MATTERS

Directives

20 The Minister may issue directives to police record check providers with respect to matters to which this Act applies.

Review of Act

21 The Minister shall conduct a review of this Act within five years after the day this section comes into force.

REGULATIONS

Regulations

Lieutenant Governor in Council

22 (1) The Lieutenant Governor in Council may make regulations,

- (a) exempting any person or class of persons from any provision of this Act and attaching conditions to the exemption;
- (b) defining, for the purposes of this Act and the regulations, any word or expression used in this Act that has not already been expressly defined in this Act;
- (c) prescribing anything that, under this Act, may or must be prescribed or done by regulation, other than the matters in respect of which the Minister may make regulations under subsection (2);
- (d) generally for carrying out the purposes and provisions of this Act.

Minister

(2) The Minister may make regulations,

- (a) approving forms and requiring their use for any purpose under this Act;
- (b) respecting statistical information that a police record check provider must prepare and maintain in connection with police record check requests;
- (c) specifying offences for the purposes of the criteria for exceptional disclosure of non-conviction information under section 10;
- (d) governing the process for conducting a reconsideration under section 10.

Incorporation by reference

(3) A regulation made under clause (2) (d) may adopt, by reference, in whole or in part, and with such changes as are considered necessary, one or more documents setting out standards or procedures for reconsiderations.

23-29 OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION).

30 OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).

SCHEDULE

Authorized disclosure under s. 9 of the Act

1 (1) For the purposes of section 9 of the Act, a police record check provider shall not disclose information of a type set out in Column 1 of the Table to this section as part of a police record check set out in Column 2, 3 or 4 in respect of an individual unless the information is authorized to be disclosed in accordance with the Table to this section.

Interpretation, “pardon”

(2) In the Table,

“pardon” includes a record suspension within the meaning of the *Criminal Records Act* (Canada).

TABLE
AUTHORIZED DISCLOSURE

Item	Column 1 Type of Information	Column 2 Criminal record check	Column 3 Criminal record and judicial matters check	Column 4 Vulnerable sector check
1.	Every criminal offence of which the individual has been convicted for which a pardon has not been issued or granted.	Disclose. However, do not disclose summary convictions if the request is made more than five years after the date of the summary conviction.	Disclose. However, do not disclose summary convictions if the request is made more than five years after the date of the summary conviction.	Disclose. However, do not disclose summary convictions if the request is made more than five years after the date of the summary conviction.
2.	Every finding of guilt under the <i>Youth Criminal Justice Act</i> (Canada) in respect of the individual during the applicable period of access under that Act.	Disclose.	Disclose.	Disclose.
3.	Every criminal offence of which the individual has been found guilty and received an absolute discharge.	Do not disclose.	Disclose. However, do not disclose if the request is made more than one year after the date of the absolute discharge.	Disclose. However, do not disclose if the request is made more than one year after the date of the absolute discharge.
4.	Every criminal offence of which the individual has been found guilty and received a conditional discharge on conditions set out in a probation order.	Do not disclose.	Disclose. However, do not disclose if the request is made more than three years after the date of the conditional discharge.	Disclose. However, do not disclose if the request is made more than three years after the date of the conditional discharge.
5.	Every criminal offence for which there is an outstanding charge or warrant to arrest in respect of the individual.	Do not disclose.	Disclose.	Disclose.
6.	Every court order made against the individual.	Do not disclose.	Disclose. However, do not disclose court orders made under the <i>Mental Health Act</i> or under Part XX.1 of the <i>Criminal Code</i> (Canada). Do not disclose court orders made in relation to a charge that has been withdrawn. Do not disclose restraining orders made against the individual under the <i>Family Law Act</i> , the <i>Children’s Law Reform Act</i> or the <i>Child, Youth and Family Services Act, 2017</i> .	Disclose. However, do not disclose court orders made under the <i>Mental Health Act</i> or under Part XX.1 of the <i>Criminal Code</i> (Canada). Do not disclose court orders made in relation to a charge that has been withdrawn. Do not disclose restraining orders made against the individual under the <i>Family Law Act</i> , the <i>Children’s Law Reform Act</i> or the <i>Child, Youth and Family Services Act, 2017</i> .
7.	Every criminal offence with which the individual has been charged that resulted in a finding of not criminally responsible on account of mental disorder.	Do not disclose.	Do not disclose.	Disclose. However, do not disclose if the request is made more than five years after the date of the finding or if the individual received an

				absolute discharge.
8.	Any conviction for which a pardon has been granted.	Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada).	Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada).	Do not disclose unless disclosure is authorized under the <i>Criminal Records Act</i> (Canada).
9.	Any non-conviction information authorized for exceptional disclosure in accordance with section 10.	Do not disclose.	Do not disclose.	Disclose. Set out the information in the prescribed form (if applicable).

2015, c. 30, Sched.; 2017, c. 14, Sched. 4, s. 29 (2).

Section Amendments with date in force (d/m/y)

2017, c. 14, Sched. 4, s. 29 (2) - 01/11/2018



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